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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) No. CR 10-0859 RS
15 Plaintiff,) ATTACHMENT A
16 v.) TO DECLARATION OF DANIEL P.
17 GARY HARDEMAN,) BLANK IN SUPPORT OF MOTION IN
18 Defendant.) LIMINE TO EXCLUDE GOVERNMENT'S
19) PROPOSED PSYCHIATRIC EXPERT
20) WITNESS TESTIMONY.
21)
22) Honorable Richard Seeborg
23) July 10, 2013
24) 2:00 p.m.
25)
26)
27)
28)

ATTACHMENT A

United States v. Hardeman, CR 10-0859 RS
Attachment A to Declaration of Daniel P. Blank In Support
of Motion in Limine to Exclude Government's Proposed
Psychiatric Expert Witness Testimony



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June 12, 2013

Via Hand Delivery

Daniel P. Blank, Esq.
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450 Golden Gate Avenue, 19th Floor
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RECEIVED
2013 JUN 12 PM 4:00
FEDERAL PUBLIC DEFENDER
SAN FRANCISCO, CA

Re: *United States v. Gary Hardeman*
Criminal Case No. CR 10-0859 RS

Dear Dan:

Enclosed please find the government's discovery in this matter, produced pursuant to the Court's pretrial preparation order. This discovery consists of twelve labeled CD-ROMs. A detailed index to the contents of these CD-ROMs is attached as Exhibit 1. The discovery includes previously produced documents from this case and the 2008 federal prosecution under 18 U.S.C. § 2250, as well as other material, and in the government's view exceeds the government's discovery obligations under Fed. R. Crim. P. 16, *Brady*, and the Jencks Act.

The government hereby discloses four expert witnesses pursuant to Fed. R. Crim. P. 16(a)(1)(G). Drs. Kuo and Sikorski, whose CVs are attached as Exhibits 2 and 3, will testify that child victims of sexual abuse may delay their disclosure of some details of the abuse because of their embarrassment over the event, or because they dissociate from it. Some child victims of sexual abuse may fear punishment if they disclose the abuse, or may withhold details of the abuse based on feelings of guilt. Therefore, it would not be surprising for a child victim of sexual abuse to disclose additional details of the abuse over time, as they feel more confident about how the disclosure will be received, or as they gain maturity and distance from the event. Drs. Kuo and Sikorski will testify that they have experienced this phenomenon in their clinical experience with victims of child sexual abuse, and have taken note of it in the relevant medical literature.

Letter to Daniel P. Blank, Esq.
June 12, 2013
Page 2

Drs. Kuo and Sikorski will also testify in rebuttal to any defense testimony about the victim's mental health diagnoses, current or previous, and whether any mental condition impaired the victim's ability to perceive or remember what happened to her when she was in the defendant's company. Drs. Kuo and Sikorski may also testify to these issues during the government's case-in-chief, but only if the victim's mental health is raised by the defense, whether during cross-examination or some other mode of impeachment.

Johnathan Bridbord, whose CV is attached as Exhibit 4, will testify about his forensic examination of various electronic media belonging to the defendant, as is summarized in his report at Exhibit 5. The government also possesses a CD containing Johnathan Bridbord's analysis that contains potential contraband, and which will be available for your review pursuant to the protective order in this case. Kendrick Yeung, who is a computer forensics analyst with the Department of Homeland Security, will testify that he made a mirror image of the defendant's laptop computer hard drive, and that the mirror image duplicates the contents of the laptop computer hard drive. His analysis is summarized herein at USA02750. The government disputes that Kendrick Yeung' anticipated testimony constitutes expert testimony subject to Fed. R. Crim. P. 16(a)(1)(G), but includes this disclosure out of an abundance of caution.

The government reserves the right to call any rebuttal expert witness without prior disclosure.

A recent copy of the defendant's rap sheet is enclosed as Exhibit 6.

The government will provide specific notice pursuant to Fed. R. Evid. 404(b), 413, and 414, on the date set for filing pretrial motions, June 26, 2013. However, the evidence that will be subject to this notice is also enclosed herein.

Very truly yours,

MELINDA HAAG

United States Attorney

OWEN MARTIKAN

Assistant United States Attorney

Enclosures